

Cottingham
FILED

United States District Court

2011 MAR -2 PM 2:37

CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS

WESTERN DISTRICT OF TEXAS

BY
DEPUTY

UNITED STATES OF AMERICA

v.

PATRICK JAMES CRUZ

CRIMINAL COMPLAINT

[address, if needed]

CASE NUMBER:

A-11-M-150

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about 03/01/2011 in Travis County, in the Western District of Texas and elsewhere defendant(s) did, (Track Statutory Language of Offense)

With unlawfully and knowingly possessing with intent to distribute cocaine base, a Schedule II controlled substance.

in violation of Title 21 United States Code, Section(s) 841(a)(1)

I further state that I am a(n) Special Agent with the FBI and that this complaint is based on the following facts:
Official Title

SEE ATTACHED AFFIDAVIT.

Continued on the attached sheet and made a part hereof.

☒ Yes

☐ No

[Signature]
Signature of Affiant

Sworn to before me, and subscribed in my presence

March 2, 2011
Date

at Austin, Texas
City and State

ROBERT PITMAN U.S. MAGISTRATE JUDGE
Name and Title of Judicial Officer

[Signature]
Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

IN THE MATTER OF)
)
PATRICK JAMES CRUZ)

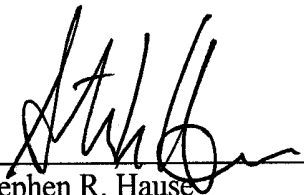
1. I, Stephen R. Hause, Special Agent, Federal Bureau of Investigation (FBI), Austin, Texas, being duly sworn, depose and state that based on a review of Hays County Narcotics Task Force report number TF 11-041-1, and conversations with San Marcos Police Detective Duane Poorboy, I know the following:

2. On March 1, 2011, a person subsequently identified as PATRICK JAMES CRUZ, driving a white, 2003 Chevrolet Trailblazer, was pulled over for speeding (43 mph in a 30 mph zone) and failure to signal a turn, by Officer D. Castillo, San Marcos Police Department in San Marcos, Texas. Upon contact, CRUZ told Officer Castillo he did not have a driver's license, a fact confirmed by the San Marcos Police Department dispatch. CRUZ was arrested for driving while license invalid.

3. During the stop, Officer Castillo noticed the odor of burnt marijuana emitting from CRUZ's vehicle. CRUZ told Castillo there may be a marijuana "roach" in the ash tray. A search of CRUZ's vehicle was conducted by Officer Castillo incident to both probable cause to believe that an illegal substance was in the car as well as the fact that the car would need to be inventoried incident to his arrest. During the search, the following items were among those located and seized:


a. Approximately 39.4 grams of an off-white, rock- like substance believed to be crack cocaine (field tested positive) wrapped in aluminum foil.

- b. Approximately 10.8 grams cocaine (field tested positive) in a clear plastic baggie.
 - c. A marijuana cigarette, clear plastic baggie with 2.2 grams marijuana, clear plastic baggie with 6 grams marijuana, clear plastic baggie with cocaine residue (field tested positive), all weights approximate.
4. I believe that the facts contained in this affidavit show that there is probable cause to believe that PATRICK JAMES CRUZ did possess with intent to distribute 28 grams or more of cocaine base, as well as powder cocaine, Schedule II controlled substances in violation of 21 U.S.C. 841 (a)(1).



Stephen R. Hause
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me this 2nd day of March, 2011.



U.S. Magistrate